

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

ANTHONY TERRELL JONES, #K3994

PETITIONER

VS.

CIVIL ACTION NO. 5:06-cv-145(DCB)(MTP)

LAWRENCE KELLY, Superintendent

RESPONDENT

ORDER

This cause is before the Court sua sponte in order to remove two stale motions from the docket. On March 24, 2010, a Final Judgment was entered in this habeas case. On August 2, 2010, the petitioner filed a notice of appeal and a motion for extension of time to prepare appeal (**docket entry 40**). On August 20, 2010, the petitioner filed a second notice of appeal and a motion for extension of time to research all issues (**docket entry 45**).

By Order of December 9, 2010, the Fifth Circuit Court of Appeals found that the final day for filing a timely appeal was April 23, 2010, and that Jones' notices of appeal had not been deposited in the prison's mail system within the prescribed time. Because the time limitation for filing a notice of appeal in a civil case is jurisdictional, the Fifth Circuit dismissed both appeals.

This Court may not extend the time for filing an appeal unless the party so moves no later than 30 days after the expiration of the original time to file a notice of appeal under Fed.R.App.P. 4(a). Fed.R.App.P. 4(a)(5)(A)(i). Because the petitioner's

motions were not deposited in the prison's mail system within 30 days after the expiration of the original time to appeal, the motions must be denied. Accordingly,

IT IS HEREBY ORDERED that the petitioner's motion for extension of time to prepare appeal (**docket entry 40**) and motion for extension of time to research all issues (**docket entry 45**) are DENIED.

SO ORDERED, this the 8th day of March, 2011.

/s/ David Bramlette  
UNITED STATES DISTRICT JUDGE